HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 18281 of 2000

Dated 13th June, 2007

Between

C.Radharani and ors

…Petitioners

and

The Commisjsioner, Madanapalle Municipality,
Madanapalli, Chittoor Dist., and, anr

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 18281 of 2000

ORDER:

In this Writ Petition, the petitioners seek direction to the respondents by way of Writ of Mandamus not to dispossess them from the plots bearing Nos. 318, 319, 320, 321, 322, 323 and 324 situated in Sy.Nos. 404-18, 406-1 to 4, 407-1 and 481 of Bandameeda Kammapalle village within the municipal limits of Madanaplle, Chittoor District.

It is the grievance of the petitioners that the petitioners are granted house site pattas by the Mandal Revenue Officer in plots bearing Nos. 318, 319, 320, 321, 322, 323 and 324 situated in Sy.Nos. 404-18, 406-1 to 4, 407-1 and 481 of Bandameeda Kammapalle village within the municipal limits of Madanaplle, and, they are in possession of their respective plots, and, in spite of the same, there is interference by the first respondent-Municipality for their eviction

without initiating any proceedings under the provisions of the A.P. Municipalities Act.

Counter affidavit is filed by the first respondent-Commissioner, Madanapalle Municipality stating that the land in Sy.Nos. 404-18, 406-1 to 4, 407-1 and 481 of Bandameeda Kammapalle village belongs to Municipality and the said site is an open space in the lay out No.164/81 approved by the Director of Town and Country Planning, Andhra Pradesh, Hyderabad. It is stated that there are 317 plots in the said lay out and there are no plots with numbers 318 to 324 as alleged by the petitioners. It is further stated that the petitioners are not in possession of the any plotted land in the said lay out and though it is the property of the municipality, the petitioners are claiming possession by virtue of the pattas issued by the Mandal Revenue Officer, who was not competent to assign the said land.

I have perused the copy of the lay-out, as per which, the land in question was laid into 317 plots. As the said land belongs to Municipality, the Mandal Revenue Officer had no authority to grant pattas in respect of the above said land. Though the petitioners are claiming the land in the said lay out, but, in absence of any allotment by the Municipality, the petitioners cannot claim any right over the said site based, on the pattas granted by the Mandal Revenue Officer. As much as it is stated that the land itself belongs to Municipality, the Mandal Revenue Officer had no authority to issue pattas in the above said land, that too, in non existing plots. In that view of the matter, no direction as sought for can be issued.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 13-6-2007
Msnr.